

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

REPUBLICAN NATIONAL COMMITTEE,
MISSISSIPPI REPUBLICAN PARTY,
JAMES PERRY, and MATTHEW LAMB,

Plaintiffs,

v.

JUSTIN WETZEL, *in his official capacity as the clerk and registrar of the Circuit Court of Harrison County*; TONI JO DIAZ, BECKY PAYNE, BARBARA KIMBALL, CHRISTENE BRICE, and CAROLYN HANDLER, *in their official capacities as members of the Harrison County Election Commission*; and MICHAEL WATSON, *in his official capacity as the Secretary of State of Mississippi*,

Defendants.

No. 1:24-cv-00025-LG-RPM

DECLARATION OF JAMES SIMS

I, James Sims, hereby declare as follows:

1. I am over the age of 18, have personal knowledge of the facts below, and can competently testify to their truth.

2. My name is James Sims. I am currently the President of the Mississippi Alliance for Retired Americans (the “Alliance”). The Alliance is the chartered Mississippi state affiliate of the national Alliance for Retired Americans. As President of the Alliance, I am responsible for supervising our Executive Board and overseeing all Alliance activities in Mississippi. Outside of my work with the Alliance, I have served on the Madison County Board of Resolution for more than a decade. I also volunteer with other community organizations to register voters and turn them out to vote.

3. The Alliance is a non-profit, non-partisan organization, organized as a Section 501(c)(4) nonprofit, social welfare organization in Mississippi.

4. The Alliance has approximately 1,400 members in Mississippi who pay dues directly to the Alliance, and also represents approximately 20,530 total Mississippians through formal agreements with affiliated organizations, primarily labor unions. These affiliated members include retirees of affiliated unions living in Mississippi, as well as the members of other unions and organizations that are directly affiliated with the Alliance. These affiliated members are considered full members of the Alliance. Our national organization, the Alliance for Retired Americans, has over 4.3 million members across the country.

5. The Alliance's mission is to ensure the social and economic justice and full civil rights that retirees have earned after a lifetime of work. Many of our activities are therefore focused on issues of concern to retirees, including policies affecting Medicare and Medicaid, Social Security, and the cost of medicine. The Alliance also supports expanding voting rights to make it easier to vote for all Mississippians, and particularly for seniors. For example, the Alliance supports establishing early voting days in Mississippi, one of very few states left in the country not to offer them. The Alliance works to protect the rights of its members to vote and to have their votes counted and to increase voter participation among retirees.

6. Because the Alliance's members tend to be older, and also sometimes have physical disabilities attributable to age, they often face greater barriers in casting a ballot and having their votes counted. The Alliance's members are therefore disproportionately likely to vote via absentee ballot, which they are permitted to do under Mississippi law if they are over 65 years old or physically disabled. In my experience, approximately three-quarters of direct, dues-paying members in Mississippi vote by absentee ballot, along with thousands more of our affiliated members. These members depend on the mail to transmit their absentee ballot back to Mississippi election officials for it to be counted. Ensuring that Alliance members can vote via absentee ballot and have their votes counted is of paramount importance to the Alliance's mission.

7. Rejecting timely cast absentee ballots that are delivered to election officials within five days after an election would endanger the voting rights of the Alliance's members who rely on voting by absentee ballot to participate in the state's elections. While serving on the Madison County Board of Resolution, I have personally seen absentee ballots, cast by qualified voters and postmarked on or before election, arrive after election day but before the five-day ballot receipt deadline. The current Mississippi law ensured that these voters have their ballots counted, but they would be disenfranchised if the Plaintiffs in this lawsuit succeed. This would include any such absentee ballots cast by Alliance members in future elections, including the upcoming 2024 elections. The majority of Alliance members plan to vote by absentee ballot in those elections.

8. The Alliance's members have no control over how long it will take for their ballot to be transmitted to election officials through the mail. Moreover, for many of the reasons that senior voters rely on absentee voting in the first place, many face greater challenges in even getting their ballot in the mail, whether due to lack of transportation, limited mobility, or physical disability. This, in turn, gives them even less control over when their ballots arrive at the proper polling location, as they may not be able to put the ballot in the mail until later in the election cycle. In my experience, many senior voters also prefer to complete their ballots closer to election day, to make sure that they can vote with full knowledge of candidates or issues. For all of these reasons, the Alliance's members are uniquely at risk of disenfranchisement—or at the very least significant burdens on their voting rights—if Mississippi's five-day ballot receipt deadline is overturned, in the upcoming 2024 election and elections in the future.

9. As part of its mission of promoting voting among retirees and the population more generally, the Alliance also dedicates significant effort to voter registration and voter education efforts aimed at retirees and the public generally. The Alliance and its members often attend community events, such as health fairs and labor union conventions, to register and educate voters. The Alliance often partners with other non-partisan and non-profit organizations in these efforts, including groups like the NAACP and A. Phillip Randolph Institute. Attending and preparing for

these community events requires a significant dedication of resources, including from our limited budgetary resources and our members' time.

10. At these community events, Alliance members deliver presentations and speak with attendees about voter registration and voting requirements in Mississippi. This includes providing information about Mississippi's strict and complex rules for absentee voting, such as who is eligible to vote by absentee ballot, how to apply for an absentee ballot, and how to successfully complete and return an absentee ballot by the appropriate deadlines.

11. The Alliance also hosts its own annual convention, which often features speakers and presentations on voter registration and voting. The Alliance uses this convention to mobilize its members and other attendees to register or to vote, including by explaining the mechanics of how they can vote by absentee ballot.

12. In addition to attending and presenting at these community events, Alliance members (including myself) often volunteer our time to speak with family, friends, and neighbors about voter registration and voting. Members also frequently assist their friends, families, and neighbors in completing absentee ballots, in part because they are more familiar with absentee ballot rules.

13. The Alliance is currently in the process of planning many of its voter engagement and education events for the year, including our annual convention. As explained, these events will involve presentations and speeches on, among other things, how to successfully cast an absentee ballot. Changing Mississippi's absentee ballot procedures would be very disruptive to the Alliance's efforts and planning, making it more difficult for them to accurately inform Mississippi voters about the state's complex absentee ballot process.

14. If Plaintiffs are successful, the Alliance would have to reallocate volunteer time towards educating its members and other Mississippians about the changes to the ballot receipt deadline and the risks of absentee voting—in particular if they are experiencing mail delivery delays or may be unable to mail their ballots until closer to election day. Given our limited resources and limited volunteer time, this would take away from the Alliance's efforts to educate

its members and others about other aspects of the voting process and the importance of turning out to vote.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 2/8/24

By: 

James Sims
President
Mississippi Alliance for Retired Americans